1949. File No. Medical II Fin

P 37

Legal Department

B BRANCH

Subject:—

Notifications under the Bombay Medical Practitioners (Amendments) Act 1949

File No. Medical Practitioners II/49 (N).

Sec. 196

489-15

Legal Department.

The draft notification at page 185 as amended is in order.

Sd/-
17-6

Additional Secretary to Government.

No. 98 H. &L.D. No. 6712 dated the 17th June '49.

DY 9/6
H.&L.D.
[illegible]
[illegible]

# NOTIFICATION.

Health and Local Government Department,
Bombay Castle, June 1949.

**Bombay Medical Practitioners' (Amendment) Act, 1949.**

No. 6088/33.- In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Medical Practitioners' (Amendment ) Act, 1949(Bom. of 1949). the Government of Bombay is pleased to appoint the 1st July 1949 as the date on which the said Act shall come into force.

Sd/-

By order of the Governor of Bombay,

Deputy Secretary to Government.

M.R.D.
5-6-56
C/4

Legal Department

The first point raised by the president is whether in view of draft rule 6 of the Bombay Faculty of Indian Systems of Medicine Rules, 1949, the elections for the constitution of the Faculty are to be conducted by President. It appears that the presumption made by the President inthis behalf is not correct. As will be seen rule 6 which appears under the heading "III Procedure to be observed for filling vacancies on the Faculty" provides that in the cases of vacancies of elected members an election shall be held to fill the vacancy and that the Chairman or any other person authorised by him in this behalf shall act as the Returning Officer for such election. It is true that there is no specific provision in the Act for the constitution of the Faculty for the first time, but it appears that necessary provision can be made by framing a rule under section 5 of the Bombay Medical Practitioners Act, 1938.

2. The Board has pointed out that in order to enable recognised teachers to elect three members from among themselves as required under section 3A, it is necessary to make a by-law laying down the conditions of recognition of teachers in recognised institutions, under clause(f)of section 28A of the Act. The expression,"recognised institution" has been defined in section 2(7-A) to mean an institution recognised under section 21A. Under section 21A the sole powers is given to theFaculty to recognise an institution. As the Faculty is yet to be constituted the question of making a by-law is out of question. It is true that there is no provision in the Act providing for the first constitution of Faculties. The Provisions in section 28(i) and 2(j) enable Government to make rules for the purposes of carrying out the objects of the Act and in furtherance of the provisions of the Act. These provisions can be resorted to for constituting bodies for the first time. Rules can be made for the purpose.

3. The draft Notification at page 9 ante, as amended, is in order.

Sd/-
20-7
Additional Secretary to Government.

M.R.D.
5-6-56
C.4

U.R. to H. & L.D.D.No. 8222, dated the 21st July 1949.

To be published in Part IV of the Bombay Government Gazette and to be returned with copies of the printed notification.

Deputy Secretary to Government.

---

Health and Local Government Department,
Bombay Castle July 1949.

NOTIFICATION:-

Homoeopathical Practitioners Act, 1938.

No. 2970/33 .- In exercise of the powers conferred by the first proviso to clause (4) of section 3-A of the Bombay Medical Practitioners Act, 1938(Bom.XXVI of 1938), the Government of Bombay is pleased to fix the 29th August 1949, as the date on which the election of the Faculty shall be held.

By order of the Governor of Bombay.

M.R.D.
5-6-56
C.4

Deputy Secretary to Government.

Legal Department.

The point is not free from doubt. But in view of the opinion expressed by H.L.A. in his opinion No. 12630, dated the 9th November 1949, it maybe held that no exemption is required under section 36 of the Bombay Medical Practitioners Act, 1938, for persons who practise Psycho-analysis.

Sd/-
30/12

Additional Secretary to Government.

M.R.D.
5-6-56
C.4

U.R. to U. & L.D.D. No. 15275 dated the 30th December 1949.